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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

SARABJIT KAUR THIND,

Plaintiff,

v.

EMILIO T. GONZALES, Director, United States  
 Citizenship and Immigration Services,

Defendant.

Case No. 07-3959-WHA

**JOINT CASE MANAGEMENT  
 STATEMENT; AND [PROPOSED]  
 ORDER**

**1. Jurisdiction and Service**

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331 and 5 U.S.C. §§ 701-706. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

**2. Facts**

The plaintiff is an alien who was granted asylum in the United States on November 27, 2000. She filed this action on or about August 1, 2007, asking this Court to direct the United States Citizenship and Immigration Services (USCIS) to adjudicate an I-730 petition that the plaintiff filed to accord derivative asylee status on her husband, Jaswant Singh.

On October 5, 2007, the USICS issued a notice of intent to deny the I-730 petition, and the plaintiff has filed a response to that notice. The USCIS has not yet issued a final decision on the

1 plaintiff's I-730 petition.

2 **3. Legal Issues**

3 Whether this Court has subject matter jurisdiction over the plaintiff's action.

4 If the Court has subject matter jurisdiction, whether USCIS is processing the plaintiff's I-  
5 730 petition within a reasonable period of time.

6 **4. Motions**

7 The parties will file cross-motions for summary judgment to resolve this case.

8 **5. Amendment of Pleadings**

9 No parties, claims or defenses are expected to be added or dismissed.

10 **6. Evidence Preservation**

11 The parties do not have any evidence that falls within this category.

12 **7. Disclosures**

13 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not  
14 apply to this case.

15 **8. Discovery**

16 The parties do not intend to take any discovery at this time.

17 **9. Class Actions**

18 N/A

19 **10. Related Cases**

20 The parties are not aware of any related case or cases.

21 **11. Relief**

22 The plaintiff ask this Court to direct USCIS to adjudicate her I-730 petition forthwith.

23 **12. Settlement and ADR**

24 The parties will ask this Court to be exempt from the formal ADR process.

25 **13. Consent to Magistrate Judge for All Purposes**

26 The parties decline magistrate jurisdiction.

27 **14. Other References:**

28 The parties do not believe that this case is suitable for reference to binding arbitration, a

special master, or the Judicial Panel on Multidistrict Litigation.

**15. Narrowing of Issues**

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

**16. Expedited Schedule**

The parties believe this case can be resolved on motion(s).

**17. Scheduling**

The parties propose the following schedule:

Cross-Motions for Summary Judgment: March 21, 2008

Cross-Oppositions: April 4, 2008

The parties would ask this Court to decide the matter on the papers, without oral argument.

**18. Trial**

The parties do not anticipate the need for a trial in this case.

**19. Disclosure of Non-Party Interested Entities or Persons:**

The plaintiff intends to file the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

**20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter**

None.

Dated: February 26, 2008

/s/  
JONATHAN KAUFMAN  
Attorney for Plaintiff

Dated: February 26, 2008

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorney for Defendant

**ORDER**

The Case Management Statement and Proposed Order are hereby adopted as the Case Management Order for the case and the parties are hereby ordered to comply with this order.

Dated: February \_\_\_, 2008

\_\_\_\_\_  
WILLIAM ALSUP  
United States District Judge